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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,892

12/03/2004

Eros Stivani

2545-0461

8636

7590

05/10/2006

Harbin King & Klima
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Washington, DC 20003

EXAMINER

TRUONG, THANH K

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/516,892	Applicant(s) STIVANI ET AL.	
	Examiner Thanh K. Truong	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-3-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group 1, claims 1-15 in the reply filed on May 1, 2006 is acknowledged.
2. Claims 16-24 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 1, 2006.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "one point" in claim 1, line 13 is vague and indefinite, because it is unclear what is the "one point" referring to? Is the "one point" a dot on the material or a cut on the material, or an imaginable designation on the material?

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dachman et al. (5,935,686) in view of Guidot et al. (EP 957043).

Dachman et al. discloses a method comprising the steps of:

advancing a continuous strip (30) of wrapping material having at least two bands (12, 14) of adhesive extending parallel with its longitudinal dimension along a predetermined path;

cutting the strip transversely along dividing lines (18) to obtain a plurality of leaves (20) each has longitudinal edges;

associating at least one product (16) substantially central area of each leaf;

folding each leaf around a relative product and bringing together the two longitudinal edges to form a tubular sheath (figures 7a-7c and 8a-8c);

closing the ends of the tubular sheath to obtain a wrap (figure 9).

Dachman et al. discloses the claimed invention, but it does not expressly disclose the step of forming an easy tear along the longitudinal edges of the leaf (20).

Guidot et al. discloses a method of making a product wrap, wherein it includes the step of forming an easy tear (7-13 and 15 – figures 2, 4-11 and 13-29) along the longitudinal edges of the leaf (1). Guidot et al. method provides a package that is easy to opened by hand without any additional aids (column 1, lines 31-34).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Dachman et al. by

incorporating the step of forming an easy tear as taught by Guido et al. to provide an easy means to open the wrap package without using any additional aids.

The modified Dachman et al. by Guidot et al. further discloses the steps of:

generating at least one notch (7) (Guidot et al. - figure 4) on each dividing line extending parallel to the longitudinal dimension of the strip (1) and intersecting the relative line (as in claim 2);

wherein the continuous strip presents second adhesive bands (24, 26 – figure 5 of Dachman et al.) extending transversely to the longitudinal dimension of the strip (30), each coinciding with a relative easy tear point (figure 4 of Guidot et al. – adhesive bands 5, 6 and notch 7) (as in claim 13);

twisting the ends of the tubular sheath to produce a sealed double twist wrap (22) (figure 9 of Dachman et al.) (as in claim 14); and

applying the first and second adhesive bands to the selfsame strip before the step of generating the notches (as in claim 15).

7. Claims 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dachman et al. (5,935,686) in view of Guidot et al. (EP 957043) and further in view of McBean (2,079,328).

As discussed above in paragraph 6 of this office action, the modified Dachman et al. by Guidot et al. discloses the claimed invention, but did not expressly disclose an indentation and a projection on the opposite longitudinal edges presented by each leaf as recited in claim 3.

McBean discloses a method comprising the step of generating a second notch (22) coinciding with the first notch (14) and serving to creating an indentation (22) and a projection (20) on the opposite longitudinal edges presented by each leaf (16). McBean method provides a package in which the wrapper can be easily and quickly removed (lines 15-18).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Dachman et al. and Guidot et al. by incorporating the step of creating an indentation and a projection on the opposite longitudinal edges presented by each leaf as taught by McBean to provide a package in which the wrapper can be easily and quickly removed.

the second notch presents an outline substantially of "U" shape (figure 5 of McBean)(as in claim 7);

cutting the strip transversely along the dividing line comprises the subsidiary steps of making two distinct cuts along the selfsame line, each extending from the second notch toward a longitudinal edge of the strip (2) (figure 5 of McBean shows the two distinct cuts extending from the second notch (20) toward the top and bottom edges of the strip) (as in claim 9);

the step of generating at least one first notch (14) parallel to the longitudinal dimension of the strip (2) is implemented before the step of cutting the strip transversely along the dividing line (figure 5 of McBean)(as in claim 10);

establishing an easy tear comprises the step of generating at least one segment (18, 19) of broken line appearance positioned to coincide with the transverse dividing line (figure 7 of McBean)(as in claim 11); and

the broken line segment (18, 19) extends the full length of the transverse cut made across the strip (figure 7 of McBean)(as in claim 12).

Regarding claims 4-6 and 8, the examiner construes that those limitations as recited in claims 4-6 and 8 are the obvious variations of the same invention (if they are distinct inventions, they would have been restricted). Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified the method of Dachman et al., Guidot et al., and McBean to include the steps as recited in claims 4-6 and 8, since it is well known and within the general skill of a worker in the art to select a known design configuration or steps on the basis of its suitability for the intended use as matter of obvious design choice.

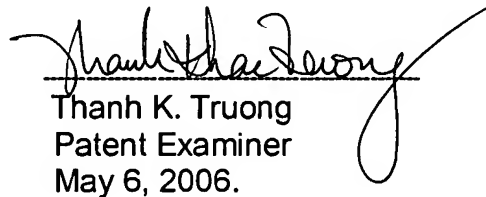
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thanh K. Truong
Patent Examiner
May 6, 2006.